



DEPARTMENT OF THE ARMY

NASHVILLE DISTRICT, CORPS OF ENGINEERS

P. O. BOX 1070

NASHVILLE, TENNESSEE 37202-1070

October 21, 2005

IN REPLY REFER TO

Public Notice Number: PM-P-05-01

JOINT FEDERAL PUBLIC NOTICE

The Nashville District Corps of Engineers and the Office of Surface Mining (OSM) Big Stone Gap Field Office are proposing acid mine discharge (AMD) remediation projects at three sites in the Straight Creek watershed, three sites in the Reeds Creek watershed, and one site in the Jones Creek watershed of the Powell River basin (Lee County, Virginia). Sites in the Cox Creek watershed were also considered but no remediation sites are proposed in this basin. An Environmental Assessment (EA) has been prepared describing impacts and environmental commitments associated with construction and operation of the remediation projects. This notice serves as a Notice of Availability of the EA for review and comment.

This project is the second of three phases of the Corps' Powell River Basin project which is intended to address environmental degradation caused by acid mine discharges from abandoned mines in the Powell River watershed. The first phase addressed sites in the Ely and Puckett Creek basins. The non-federal sponsor for the project is the LENOWISCO Planning Commission District (Lee and Wise Counties and the City of Norton). The work is being conducted under the Corps of Engineers General Investigations Program.

Nashville District Corps of Engineers
P.O. Box 1070 (PM-M)
Nashville, Tennessee 37202-1070

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed remediation sites are located in the Straight, Reeds, and Jones Creek watersheds, in Lee County, Virginia. Straight and Jones Creeks are tributaries to the North Fork of the Powell River and Reeds Creek is a tributary to Jones Creek. The sites are located on the Pennington Gap and Keokee (sites #5 & 7 only) USGS quadrangles.

PROPOSED WORK AND PURPOSE: The Corps of Engineers proposes to impact a total of 0.98 acres of nontidal, emergent non-forested wetlands spread over the seven sites. The wetland impacts will be offset by the creation of 1.25 acres of wetlands over the seven sites. One stream relocation totaling 250 linear feet at the McPherson Site (Site #5) is also proposed in order to provide area for construction of the remediation works and to divert clean stream flow around the treatment units. Proposed site plans are included in the EA (see Attachment B) which is available over the Internet (access instructions follow). The purpose of the project is to reduce the effects of acid mine drainage on the aquatic ecosystem and to restore the natural ecological integrity within the Straight, Reeds, Jones and Cox Creek reaches while enhancing the overall health of the Powell River system.

Existing aquatic resources are poor. The project designs include combinations of equalization ponds, Successive Alkalinity Producing Systems (SAPS) cells, settling ponds, aerobic wetlands, and open limestone channels. Seven separate AMD sites were identified for potential abatement measures within the Straight,

Reed, and Jones Creek basins. The following provides a brief description the site, and proposed construction:

Site 1 - Slick Lizard Site (Straight Creek Subbasin): This is a heavily disturbed site with two backfilled mine openings. Minor wetland impacts would result from construction of an equalization pond, two SAPS cells, and two aerobic wetlands (4,350 and 4,000 square feet each) to treat discharges from two mine openings.

Site 2 - Blowout Site (Straight Creek Subbasin): This site is consists of three wet mine seals that discharge into Straight Creek in the community of St. Charles. A plate arch bridge spanning Straight Creek for construction access is proposed. The remediation system consists of three new wet mine seals followed by a SAPS cell and 23,000 square foot aerobic wetland. One residential structure would have to be removed to construct the proposed remediation system.

Site 3 - Penhook Site (Straight Creek Subbasin): This site consists of three AMDs near the community of St. Charles. The proposed remediation system includes an open limestone channel, SAPS cell and a 5,615 square foot wetland. The primary mine discharge would go immediately into the SAPS cell. The two higher mine discharges would be collected in the open limestone channel and routed to the SAPS cell for treatment. Non-mine runoff would be diverted around the remediation system into an unnamed tributary of Straight Creek.

Site 4 - Summers Branch Site (Reeds Creek): Proposed remediation system addresses five mines on a hillside above an unnamed tributary of Summers Branch. The remediation system includes five wet mine seals with AMD routed to a 2,890 square foot aerobic wetland prior to discharge to Summer Branch. For one mine seal, water would be routed through an equalization pond and SAPS cell before entering the aerobic wetland. One open mine portal would be fitted with a bared gate to allow bat access. Minor wetland impacts would result from the construction of the remediation system.

Site 5 - McPherson Site (Reeds Creek): This site consists of two sources of AMD in the headwaters of Reeds Creek. The proposed remediation system consists of a SAPS Cell, settling pond, and 2,800 square foot aerobic wetland. An 8,900 square foot existing wetland immediately below the treatment system would be enhanced by installation of wood baffles or straw bales to increase the flow path through the wetland to provide additional AMD treatment. A 250 linear foot section of stream channel would be constructed adjacent to the treatment system to allow clean drainage and stream flow to bypass the treatment system. A high flow channel is proposed around the enhanced wetland section

Site 6 - Bee Mine Site (Reeds Creek): This site consists of seepage from one backfilled mine opening. The remediation system consists of a limestone collection channel that follows the existing roadside ditch and drains to a settling pond.

Site 7 - Robbins Chapel Site (Jones Creek): This site addresses two mine discharges. The remediation system consists of a settling pond and 4,000 square foot aerobic wetland. One existing residential

structure would be demolished in order to construct the proposed system.

Three disposal areas have been identified for use for the above remediation sites. Each disposal area is a previously disturbed mine site and excess material from the remediation site would be placed in the disposal area and stabilized. Disposal Area A is a reclaimed mine bench near the Slick Lizard Site (Site #1) and would be used for Sites 1-3. Disposal Area B is an unreclaimed highwall near the McPherson Site (Site 5) and would be used for both Sites 5 and 7. Disposal Area C is near the Bee Mine Site and would be used for Sites 3 and 6.

To view or download the Environmental Assessment, a site map, or the Draft Fish and Wildlife Coordination Act (FWCA) Report, control+click the following link or type it in your web browser:

<ftp://www.lrn.usace.army.mil/pub/public/SRJC%20EA/>

Three adobe files are available on the web site. One contains the EA. One is a site map showing the seven remediation sites and three proposed disposal areas. The third file contains the draft FWCA report which contains recommendations and EA review comments from the U.S Fish and Wildlife Service. These recommendations will be incorporated into the EA prior to signing any Finding of No Significant Impact (FONSI) statement.

AUTHORITY: Activities proposed that require a review under the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b)(1) of the Clean Water Act (40 CFR Part 230) include fill placement in 0.98 acres of wetlands to be covered by acid mine remediation features and 250 linear feet of stream channel relocation at the McPherson Sites. In addition, baffles will be placed in a wetland downstream of the McPherson site to increase the flow path through this wetland. The activities must comply with Title 62.1 of the Code of Virginia. Since these activities are covered by Nationwide Permit #27 (Wetland and Riparian Restoration and Creation Activities), an individual permit is not required. Based on the analysis done in the EA, these activities comply with the 404(b)(1) guidelines and wetland impacts have been minimized and, where unavoidable, mitigation has been proposed. Impacted wetlands would be offset by construction of 1.24 acres of aerobic wetlands as part of the treatment system.

FEDERAL EVALUATION OF APPLICATION: The decision whether to sign a Findings Of No Significant Impact (FONSI) or require an EIS will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal

Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to sign a FONSI or require an EIS for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this environmental assessment, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

STATE EVALUATION OF APPLICATION: To comply with Section 401 of the Clean Water Act (the Act), the Nashville District must obtain a certification from the Division of Environmental Quality (DEQ). The DEQ has certified activities covered by Nationwide Permit #27 since water quality will be maintained in accordance with State Water Control Law (state law) and that the activity will comply with the applicable provisions of Sections 301, 302, 303, and 306 and 307 of the Act. This certification sets forth any effluent limitations and other limitations, conditions and/or requirements needed to assure compliance with the Act itself and with other appropriate requirements of state law. In Virginia, the 401 Water Quality Certification is issued as a Virginia Water Protection Permit, if an individual permit is required. In addition, the project may require a permit from the Virginia Marine Resources Commission. Two sites (Blowout Site, #2 and Penhook, #3) impact a drainage area greater than five square miles. The other five sites have drainage areas of less than 5 square miles.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Nashville District, Corps of Engineers (ATTN: CELRN-PM-P), P.O. Box 1070, Nashville, Tennessee 37202-1070, and should be received by the close of business on November 30, 2005. Copies will be forwarded to the OSM.

If you have any questions about this project, call one of the following people:

U. S. Army Corps of Engineers, Nashville District
Tim Higgs at (615) 736-7863

Office of Surface Mining
Ronnie Vicars at (276) 523-0042 (x14)
Big Stone Gap Field Office